MISCELLANY.

That Libelous Word—Anarchist.—In the famous libel suit brought by Henry Ford against the Chicago Tribune, and which for three months last summer engaged the attention of the trial court, it was complained that the plaintiff had been characterized as an "anarchist" in the publication which was made the basis of the action.

The question involved in that case was comparatively a novel one, although not without precedent. It was held in Cerveny *v.* Chicago Daily News Co., 139 Ill. 345, 28 N. E. 692, 13 L. R. A. 864, that falsely publishing that a person is an "anarchist" is libelous. There the court quotes as sufficiently accurate the definition of Webster, which describes an anarchist as "one who excites revolt, or promotes disorder in a State." From this standpoint the accusation was viewed as more than that of being a member of a certain political party, for the reason that anarchy is the enemy of all government, while a political party "is always in support of some form of government, and, professedly, of that which is the best." A printed charge of anarchism, it seemed obvious to the court, was calculated to bring the individual against whom it was directed, into hatred, ridicule, and contempt, as professing vicious, degrading, and absurd principles, and confederating with others who also profess them. "Since government is the only guaranty we can have," states the opinion, "for protection in the enjoyment of life, and of all that makes life desirable, it is inevitable that all good citizens must regard those who advocate its destruction either with feelings of hatred or contempt, in the same measure that they may regard them as powerful or impotent to carry out what they advocate."

It was held libelous in Lewis *v.* Daily News Co., 81 Md. 466, 32 Atl. 246, 29 L. R. A. 59, to falsely publish of a person that he "would be an anarchist if he thought it would pay." The declaration in that case averred that the word "anarchist" means a person who, actuated by mere lust of plunder, seeks to overturn by violence all constituted forms and institutions of society and law and order, and all rights of property. It alleged that an anarchist is universally accepted by all law-abiding persons in all countries as meaning an enemy and conspirator against all law and social order, and as one who uses unlawful, violent, and felonious means to destroy property and human life, and as one who is treasonable to the government under which he lives, and employs assassination of persons in authority as means of accomplishing his unlawful designs against society. "It is apparent," remarks the court, "that to accuse another of being an anarchist in the sense in which the term is generally accepted is to accuse him of that which will inevitably injure

his reputation, and expose him to obloquy and ignominious reproach. If this be so, then to publish of another that he 'would be an anarchist if he thought it would pay' is to impute to him the possession of that degree of moral obliquity and turpitude which would mark him as a fit person, if he were personally benefited thereby, to do the violent and felonious acts of which anarchists are known or believed to be guilty."

The word "anarchist" has been variously defined, and is susceptible of shades of meaning extending from one who views the absence of government as a political ideal to those who believe in or advocate the overthrow by force or violence of the government, or of all forms of law and social institutions. The question always arises in a suit for defamation based on this ground, as to the sense in which the term was used. Various definitions are referred to by the court in the opinion in United States ex rel. Turner *v.* Williams, 194 U. S. 279, 48 L. Ed. 579, 24 Sup. Ct. Rep. 719. But at its best the word is a sinister one, and as popularly conceived, with accompaniments of bomb throwing, assassinations, and plunder, it conjures up dim terrors of infernal realms

> Where eldest Night
> And Chaos, ancestors of Nature, hold
> Eternal anarchy amidst the noise
> Of endless wars, and by confusion stand.
>
> —Case and Comment.

"Wilson—That's All."—In a recent issue of the New York Tribune, a contributor to the brilliant column known as "The Conning Tower" announced with great glee his discovery of the case of Peace *v.* Wilson, 186 N. Y. 403, with the added information that Wilson lost. Pshaw! This contributor didn't know the law reports. How about the case of Wilson *v.* Peace, 38 Tex. Civ. App. 234, a case much more to the point since Wilson defeated peace? And while we are on the subject, we might add that there are plenty more Wilson cases. Just to mention a few, it might be said that the following suggest the forthcoming fight for the Presidential nomination in the Democratic National Convention (the winner in each case being indicated in the parentheses): Wilson *v.* Baker, 64 Cal. 475 (Baker); Wilson *v.* Daniels, 79 Iowa 132 (Daniels); Wilson *v.* Marshall, 10 La. Ann. 327 (Marshall); Wilson *v.* Reed, 3 Johns (N. Y.) 175 (Reed); Wilson *v.* House, 10 Bush (Ky.) 406 (House); Wilson *v.* Palmer, 75 N. Y. 250 (Wilson). Superstitiously speaking, almost any one could beat Wilson for the nomination, but if he should get it, his fate at the election might be foreshadowed by the following: Wilson *v.* Coolidge, 42 Mich. 112 (Coolidge); Wilson *v.* Root,

43 Ind. 486 (Root); Wilson *v.* Wood, 34 Me. 123 (Wilson); Wilson *v.* Knox, 132 Mo. 387 (Wilson); Wilson *v.* Johnson, 30 Tex. 499 (Wilson). As suggestive of past events, we may cite Wilson *v.* Irish, 2 Iowa 260, with Wilson as the winner, and Wilson *v.* People, 94 Ill. 299, and Wilson *v.* United States, 144 U. S. 24, in both of which cases Wilson lost out. And finally, as to whether a third term is the proper stunt, we may say that in Wilson *v.* Wilson, 154 Mass. 194, a new trial was ordered.—Law Notes.

Policemen and Workmen's Compensation Acts.—A patrolman, who had been detailed by his superior officer to care for the prisoners in the station house, to clean the walls and floors, and to fix the electric lights, was accidentally injured in the performance of this duty. It was held that he was an employee of the city within the Workmen's Compensation Law. N. Y. Consol. Laws, c. 67 (Laws of 1914, c. 41). Ryan *v.* City of New York, 189 App. Div. 49, 178 N. Y. Supp. 402.

The manner of his appointment and the character of his duties constitute a policeman a public officer. Dempsey *v.* New York C. & H. H. R. R., 146 N. Y. 290, 40 N. E. 867; Haney *v.* Cofran, 94 Kan. 332, 146 Pac. 1027. A city is not liable as master or principal for the torts of its policemen, Calwell *v.* City of Boone, 51 Iowa 687, 2 N. W. 614; Peters *v.* City of Lindsborg, 40 Kan. 654, 20 Pac. 490, and in the enforcement of its police regulations it is not engaged in a "trade or business." Griswold *v.* City of Wichita, 99 Kan. 502, 162 Pac. 276. It was the intention of the legislature in passing the Act to make compensation a part of the cost of production which would ultimately be paid by the consumer. See Matter of Post *v.* Burger & Gohlke, 216 N. W. 544, 111 N. E. 351. Some Workmen's Compensation Acts in terms include policemen within their operation; Wis. Stat. 1915, § 2394 (7); Ohio Gen. Code (Page & Adams' Supp., 1916), § 1465 (61); others exclude them. 6 Edw. VII, c. 58, § 13. But where the question is left in abeyance, the better view would seem to be that since policemen are public officers they are not employees within the purview of the statute, Blynn *v.* City of Pontiac, 185 Mich. 35, 151 N. W. 681; Griswold *v.* City of Wichita, supra; contra, McCarl *v.* Borough of Houston, 106 Atl. 104, and that the remedy lies with the legislature.—Ex.